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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,266	05/10/2001	Shunpei Yamazaki	12732-035001 / US4908	5445
26171	7590	08/10/2006	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EHICHIOYA, FRED I	
			ART UNIT	PAPER NUMBER
			2162	

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/852,266	YAMAZAKI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Fred I. Ehichioya	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2006.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 - 56 and 58 - 69 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 56 and 58 - 69 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper.No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1 – 56 and 58 - 69 are pending in this Office Action.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 20, 2006 has been entered.

#### ***Response to Arguments***

3. Applicant argues:

***(a) Uchida, Fakuzumi, Nakamura, nor any proper combination of the three describes or suggests a sending means for sending the authentication end signal (page 14, paragraph 3).***

Examiner respectfully disagrees with the applicants. Fukuzumi discloses "a sending means for sending the authentication end signal as described on column 6, lines 43 – 46: examiner interprets "signal identification section 8" as "authentication end signal".

**(b) Neither Uchida, Fakuzumi Nakamura nor any proper combination of the three describes or suggests the use of multiple kinds of reference living body information (page 15, paragraph 2).**

Examiner respectfully disagrees with the applicant. Uchida discloses plurality of reference living body information (Uchida discloses plurality of fingers" as "plurality of reference living body information" on page 35, lines 7 - 16: Examiner interprets "biometrics (features particular to the individual), with the other biometrics such as palm pattern, face, iris, retina pattern, palm shape, handwriting, voice print, or the like input" as "multiple kinds of reference living body")

**(c) Uchida, Fukuzumi, Nakamura, nor any proper combination of the three describes or suggests rewriting the reference living body information when the password is authenticated as correct - - - re-write the reference living body information (page 15, paragraph 4).**

Examiner respectfully disagrees. Uchida discloses living body information is rewritten when the password is authenticated (page 34, line 19 – page 35, line 6: Examiner interprets "user" as reference living body": In this section, user is authenticated, then the information is entered into the portal terminal; examiner interprets this process of entering as rewriting).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1 – 20, 23, 25 – 36, 43 – 45, 49 – 56, 58, 60, 61, 63 - 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida in view of USPN 6,144,757 issued to Shinichi Fukuzumi et al (hereinafter "Fukuzumi").

Regarding claims 1, 7, 55 and 56 Uchida teaches a communication system for distinguishing a user, said system comprising:

a storing means for storing reference living body information (see page 20, lines 13 – 17; Uchida discloses "fingerprint" as "living body");

a reading means for reading collating living body information of the user (page 21, lines 17 – 19: Examiner interprets “unit 12” as “reading means”);

a sending means for sending (page 11, lines 8 – 10) the authentication end signal to a mating party (Fukuzumi: column 6, lines 43 - 46);

wherein a communication between the user and a mating party is started through the manager after the mating party receives the notice of coincidence as data (see page 23, lines 5 – 10); Uchida discloses “authenticating executing device 2” as “mating party”).

Uchida does not explicitly collation and a collating means for collating the collation living body information with the reference living body information.

Fukuzumi discloses collation (column 6, lines 6 – 8 and a collating means for collating the collation living body information with the reference living body information (column 7, lines 34 – 38); and

controlling means for outputting an authentication end signal (column 9, lines 20 – 25)

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because Fukuzumi’s teaching of “collation” would have allowed Uchida’s system to provide an organism identification method that can securely identify whether or not a fingerprint image input object relates to a living body.

Regarding claims 11 and 17, Uchida teaches a communication system for distinguishing a user, said system comprising:

a storing means for storing reference living body information (see page 20, lines 13 – 17; Uchida discloses “fingerprint” as “living body”);

a reading means for reading collating living body information of the user (page 21, lines 17 – 19: Examiner interprets “unit 12” as “reading means”);

a sending means for sending (page 11, lines 8 – 10) the authentication end signal to a mating party (Fukuzumi: column 6, lines 43 - 46);

wherein a password is sent as data to the mating party/manager after the authentication end signal to a mating party (Fukuzumi: column 6, lines 43 - 46) is sent to the mating party/manager (page 28, lines 1 - 12), and the reference living body information is rewritten when the password is authenticated as correct on the mating party (page 36, lines 6 - 9).

Uchida does not explicitly collation and a collating means for collating the collation living body information with the reference living body information.

Fukuzumi discloses collation (column 6, lines 6 - 8) and a collating means for collating the collation living body information with the reference living body information (column 7, lines 34 – 38).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because Fukuzumi’s teaching of “collation” would have allowed Uchida’s system to provide an

organism identification method that can securely identify whether or not a fingerprint image input object relates to a living body.

Regarding claims 2 and 12, Uchida teaches a wherein the reference living body information comprises n reference living body information, the collation living body information of the user comprises n collation living body information of the user, the collating means collates the n collation living body information with the n reference living body information (page 8, lines 15 – 24), and the sending means for sends (page 11, lines 8 – 10) the authentication end signal to a mating party (Fukuzumi: column 6, lines 43 - 46) to the mating party when all of collation results prove coincident (page 23, lines 5 - 10).

Regarding claims 3 and 13, Uchida teaches wherein the reference living body information comprises n reference living body information, the collation living body information of the user comprises in collation living body information of the user, the collating means collates the m collation living body information with the n reference living body information, and the sending means sends the authentication end signal to a mating party (Fukuzumi: column 6, lines 43 - 46) to the mating party when at least one of the n reference living body information coincides with at least one of the m collation living body information (see page 21, lines 14 – 27).



Regarding claims 4 and 14, Uchida teaches wherein the reference living body information comprises a plurality of kinds of reference living body information, the collation living body information of the user comprises a plurality of kinds of collation living body information of the user, the collating means collates the plurality of collation living body (Fukuzumi: column 7, lines 34 – 38) information with the plurality of reference living body information (Uchida discloses “biometrics (features particular to the individual), with the other biometrics such as palm pattern, face, iris, retina pattern, palm shape, handwriting, voice print, or the like input” as “plurality of reference living body information” (page 30, lines 22 – 25), and the sending means sends (page 11, lines 8 – 10) the authentication end signal (Fukuzumi: column 6, lines 43 – 46: examiner interprets “signal identification section 8” as “authentication end signal”) to the mating party when the plurality of kinds of collation living body information wholly coincide with the plurality of kinds of reference living body information (page 23, lines 5 – 10: Examiner interprets “input fingerprint is in accord with the fingerprint feature stored” as “when all of collation results prove coincident”)

Regarding claims 5 and 15, Uchida teaches wherein the reference living body information comprises n reference living body information of a plurality of kinds, the collation living body information comprises m collation living body information of a plurality of kinds of a user, the collating means collates the m collation living body information with the n reference living body information (Fukuzumi: column 7, lines 34 – 38), and the sending means sends the authentication end signal to a mating party

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(Fukuzumi: column 6, lines 43 - 46) to the mating party when at least one of each kind of collation living body information among the plurality of kinds of collation living body information coincides with at least one of each kind of reference living body information among the n reference living body information (see page 23, lines 5 - 23).

Regarding claims 6 and 16, Uchida teaches wherein the reference living body information comprises n reference living body information of a plurality of kinds, the collation living body information comprises m collation living body information of a plurality of kinds of a user, the collating means collates the in collation (Fukuzumi: column 7, lines 34 - 38) living body information with the n reference living body information, and the sending means sends the authentication end signal to a mating party (Fukuzumi: column 6, lines 43 - 46) to the mating party when all of the plurality of kinds of collation living body information coincide with all of the n reference living body information (see page 21, lines 14 - 27).

Regarding claims 8 and 9, Uchida teaches a causing means for causing the manager to send the authentication end signal to a mating party (Fukuzumi: column 6, lines 43 - 46) to a mating party (see page 24, lines 7 - 21 and page 29, lines 13 - 23),

wherein the communication between the user and the mating party is directly started after the mating party (see page 27, lines 21 - 27) receives the authentication end signal to a mating party (Fukuzumi: column 6, lines 43 - 46).

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Regarding claims 10 and 27, Uchida teaches wherein a transaction is conducted between the user and the mating party (see page 1, lines 7 – 14),

wherein an identification of the user is requested only when a condition set to the mating party is satisfied (see page 28, lines 10 – 15).

Regarding claims 18, 28, 29 and 30, Uchida teaches wherein the reference living body information comprises at least one selected from the group consisting of a fingerprint, a palm print and a voiceprint (see page 35, lines 7 – 16).

Regarding claims 19, 31, 32 and 33, Uchida teaches wherein the collation living body information comprises at least one selected from the group consisting of a fingerprint, a palm print and a voiceprint (see page 35, lines 7 – 16).

Regarding claims 20, 26, 34, 35, 36, 52, 53 and 54, Uchida teaches wherein the palm print is a palm print of the whole palm or a palm print of a part of the palm (see page 35, lines 7 – 16).

Regarding claims 23, 43, 44, 45, 58 and 61 Uchida teaches a portable information terminal is used (see page 35, lines 17 – 22).

Regarding claims 25, 49, 50, 51, 60 and 63, Uchida teaches a personal computer comprising the storing means, the reading means, the collating means, the controlling means, and the sending means is used (see pages 1 - 3).

Regarding claims 64 – 69, Uchida discloses wherein the reading means is a display part having a built-in-sensor (page 18, lines 22 - 270

6. Claims 21, 22, 24, 37 – 42, 46 – 48, 59 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida in view of Fukuzumi as discussed in independent claims 1, 7, 11, 17 and further in view of USPN 6,219,793 issued to Yang Li et al (hereinafter “Li”).

Regarding claims 21, 37, 38 and 39, Uchida and Fukuzumi disclose the claimed subject matter as discussed in 1, 7, 11 and 17 respectively. Uchida or Nakamura does not explicitly teach a flash memory.

Li teaches the storing means is a flash memory (column 12, lines 20 – 27).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because Li's teaching of “storing means is a flash memory” would have allowed Uchida and Fukuzumi's system to involve the use of fingerprint matching to authenticate a call or other communication over a wireless communication network as suggested by Li at column 3, lines 10 - 12.

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Regarding claims 22, 40, 41 and 42, Li teaches the reading means is a photodiode or a charge coupled device (see column 4, lines 50 – 65).

Regarding claims 24, 46, 47, 48, 59 and 62 Li teaches a cellular telephone comprising storing means, the reading means, collating means, the controlling means, and the sending means is used (see column 4, lines 33 – 49).

**Conclusion**

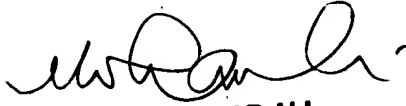
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred I. Ehichioya whose telephone number is 571-272-4034. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fred I. Ehichioya  
Patent Examiner  
Art Unit 2162

August 7, 2006

  
**MOHAMMAD ALI  
PRIMARY EXAMINER**